

May 27, 2005

VIA ELECTRONIC FILING

Hon. David E. Peebles
U.S. Magistrate Judge
Federal Building, U.S. Courthouse
P.O. Box 7345
Syracuse, New York 13261-7345

Re: Asbestos Workers Syracuse Pension Fund v.
Delores A. Wells
Civil Action No. 04-CV-0825 (GLS/DEP)

Dear Judge Peebles:

The above-referenced case has been held in abeyance pending the outcome of a bankruptcy case initiated by Defendant.

A review of the Court's pacer system shows that Defendant's bankruptcy case was closed December 21, 2004. Because Plaintiff's claim was discharged in this bankruptcy case, we respectfully request this Court dismiss our action against Defendant accordingly.

Thank you for your time and consideration on this matter.

Respectfully submitted,

BLITMAN & KING LLP

Daniel R. Brice

RECD
David E. Peebles

DRB:tag U.S. Magistrate Judge

cc: Christopher J. Chadick, Esq. Dated: 5/31/05

Donna Maggiolino, Administrative Manager Syracuse, New York
Asbestos Workers Syracuse Benefit Funds Plaintiff's request for
voluntary dismissal of this
action pursuant to Fed. R. Civ.
P. Rule 41(a)(1)(i) is
GRANTED.